App. F. IX-4

1920-21 (Laws)

File No. 34-20

Previous References
Mily 184-98 (1-16)
282-17

Serial Nos. 1—

Later References
Legis 48-75 1-7

General and Revenue Secretariat.

A Collection

Serial Nos. Eight

Manuscript **Part B for** April 1920

SUBJECT

A Regulation further to amend the Mysore Military Regulation 1899
(Regulation I of 1920)

Mily. 184-98 (1-16)
" 282-17

Mily. No. 37-17

For April 1920

Nos 1-5,7-8

A Regulation further to amend the Mysore Military Regulation, 1899

1 To the First Assistant to the Resident in Mysore. No Pol 984 dated 2-4-1919.

Forwards two copies of the Bill further to amend the Mysore Military Regulation 1899 and requests to obtain the sanction of the Govt. of India for passing the Bill into law.

2. From the First Assistant to the Resident in Mysore. No 4494 dated 9-6-19.

States that the Governor General in Council has accorded his consent to the Bill.

3. From the First Assistant to the Resident in Mysore. No 5624 dated 17-7-19.

Draws attention to what is termed a misleading statement in para 3 of the statement of objects and reasons which accompanied the Bill

4. To the HuzurSecy. to H H the Maharaja. No G 166 dated 3-10-19.

Requests information if "JilloForce" is intended to be brought under the operation of the Mily. Regulation.

5. From the HuzurSecy. to H H the Maharaja. No 427 dated 8-10-19.

States that Zillo Force may also be brought under the operation of the Mily. Regulation and that S.2, 14 A of the Code of Civil Procedure may

be amended accordingly.

7. To the First Assistant to the Resident in Mysore. No Pol 1081 dated 30-3-20

States that the statement of objects and reasons has been suitably revised and adds that the Bill as slightly altered will be promulgated into law very early.

8. To the Compiler, Mysore Gazette. No G 23265 dated 9-4-20.

Forwards a copy of the Regulation further to amend the Mysore Mily. regulation, 1899 for publication as Regulation No I of 1920.

G. R. S. III—11 1917

GENERAL AND REVENUE SECRETARIAT.

FILE HEADING.

Regulation further amendments to the Mysore Military Regulation, 1899

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

G. R. S. III-2]

General and Revenue Secretariat.

Legis. Deptt. File No. ~~38~~ 39 of 191 7.

23

Serial No.	
1	The Consolidated Draft Bill with Statement of objects & Reasons is putup.
37	All the three files are taken on and submitted as directed.
~~20-12-18~~ 15-1-19	Work. Temp Member & Secy 16.1.19
38	I have revised the Draft Bill & the Statement of objects & Reasons wherein the other amendments suggested in the file 1894 of 1918.
39	These may be cleaned & fair copies brought up to me by the Asst Secy for personal scrutiny. 17.1.19 K.S. Chari

G. R. S. III-2]

General and Revenue Secretariat.

~~Hoff~~ File No. ~~282~~ of 191).

Serial No.

FINAL NOTE BY THE FIRST MEMBER OF COUNCIL.

SUBJECT: Draft Bill further to amend the Mysore Military Regulation 1899.

50

1. In the Huzur Secretary's letter No. 1639 dated 8th February 1918, reference was made to the desirability of extending the provisions of the Mysore Military Regulation to the Palace Barr, His Highness's Body Guard and the Jillo Forces in order to have some hold on the men of the Palace Troops and to prevent their running away wh ever they liked. This proposal has necessitated an amendment of pa graph 93 of the Regulation.

51 15

2. The opportunity has also been taken of bringing the Regul tion into line with the Indian Army Act, by an amendment of paragraph 2, 62 and 69.

13

3. A consolidated draft Bill has accordingly been prepared, a also a statement of objects and reasons which fully explains the scop of the Bill. When this is passed into law, it will be possible, by separate notification to apply the needful provisions of the Military Regulation to the Palace Troops, and to specify the Officers of those Troops who are to exercise the functions referred to therein.

53 17

4. The draft Bill has been considered by the Members of Counc who have approved of the same.

54

5. The measure is excluded from the purview of the L tive Council under the proviso to section 12 of the Mysore Legisl tive Council Regulation; but before it can be passed into law the s sent of the Government of India has to be obtained.

55

His Highness's gracious sanction may be accorded to the Bill being forwarded to the Residency for that purpose.

FIRST MEMBER OF COUNCIL.

1st MARCH 1919.

Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council on the subject of the draft bill further to amend the Mysore Military Regulation, 1899,

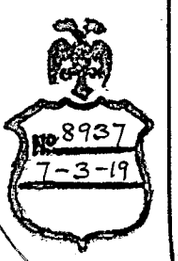
for His Highness' gracious approval.

Dewan

7. 3. 19

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



59

Draft bill further to amend the Mysore Military Regulation, 1899.

22) Madras Secret.

D. Mahadevayya
29/3

To The F.A.R
P.A 984 of 2-4-09
Forwards two copies of Bill further
to amend the Madras Hereditary Reg
1894 and requests to obtain the
sanction of the Govt of India
for passing the Bill into Law

—

From The F.A. Resident
no 4494 of 7-6-09
States that the Governor General
in Council has accorded his consent
to the Bill

/

23) Submits with a ~~Despatch~~ DSR for
obtaining the gracious sanction of HM
for promulgating the Bill as Law.
AM A.S.R
11/6

24) ~~24~~ H.M.'s assent was made
known on the 14th Sept
Cl: Regd After the Bill is promulgated
Law, the separate notifn regd to in para
the final note will be submd.

H.S.W to submit for

R. S. III-2]

C. 594

9
30

General and Revenue Secretariat.

Legis File No. 37 of 191 7

Serial No.

favour of appl[illegible]

Chief Sec[illegible]
V Member

C S Baisan

D. No. 1576

C.S.
15/Dec

D. No. 1576

for Sec[illegible] to the Extraordinary member
for perusal before further action.

C S Bai[illegible]

C.S.
30/Dec

In the amendment suggested to paragraph 93 of the Mysore Military Regulation, the words "Local Service Troops" appear. These troops include the three infantry regiments and the Mysore Horse. But the words denote that these are meant only for - service locally and not for service abroad. During the recent war, many men from the Mysore Horse were transferred to the Imperial Service Lancers to fill up vacancies in the latter regiment; in fact, the Mysore Horse formed a recruiting depot for the -- Imperial Service Lancers. Some members of the Mysore Horse were also taken on duty to Delhi -- (i.e. outside Mysore) during the Delhi Durbars. The above facts clearly indicate that they are not

Serial No.

intended purely for local purposes. In order - therefore that the words may not give room to a wrong impression being formed, and that the men may not advance this as the reason for not going abroad when wanted, it is considered desirable to eliminate them altogether and substitute some - other words which will not give room for any idea of the kind stated above being formed.

99/67 According to the definition contained in section 2 (13 A) of the Civil Procedure Code, - "Mysore Military Forces" means and includes the Mysore Imperial Service Cavalry and Transport - Corps, the Local Service Regiment (viz., the Barr and Silledar troops) and the Palace troops. So, in the amendment proposed, for the words "the Local Service Troops and to the Palace Troops", "Mysore Military Forces other than the Mysore - Imperial Service Troops" may be substituted. This alteration will meet the purpose.

G. R. S. III-2]

1325

General and Revenue Secretariat. | Legs File No. 37 of 1917

Serial No. 3

From The F.A. Resident
No. 5624 & 17-7-19

Referring this letter of the 9th June 1919 communicating the consent of the Gov^r General in Council to the Bill further to amend the Rupar Military Regulation, draws attention to what is termed a misleading statement in para 3 of the Statement of Objects & reasons which accompanied the Bill

30) The file on the subject is before the Second Member of Council, in connection with an amendment to the Bill suggested by the Extraordinary Member of Council

ASR 24/7 — 31 Not submitted in continuation

G.B. Hebbilkar 24.7.19
2nd Member in Dr

32 Ht) See notes in connected file. The Statement of Object & reasons has been revised accordingly Mir Hamid Ali

General and Revenue Secretariat. | Leg. File No. 37 of 191

Serial No. 37

34) Inter four copies of the bill & Statem of objects and reasons is put with a D & N

35) A draft reply to the Resy is also put up

36) In view of the fact that in the revised bill, the power reserved to Govt to make any modifications in the Rules which applying them, to removed, it is a point for consideration if the words beginning with "and further" in the end of the Statement of objects and reasons have not to be struck off

SG 17/8/19

37) It is also for consideration whether the alterations made are such as to necessitate the sanction of the Govt of India thereto In the D & N & the draft to Residency it is assumed that the alterations do not materially affect the Bill.

AAA 21/8

Serial No.

34). The provisions of the Militia Regt are intended to be extended to the Palace Band, His Highness's Body Guard & the Silledars in order to have some hold over them & to prevent them from running away. It will also have to be specified, after the Bill is passed into law, what ranks of officers in each of the units of the Palace Troops will correspond to those mentioned in the Militia Regt for the purpose of exercising the functions vested therein.

35) The term 'mutatis mutandis' in Cl: 4 of the Bill may justify necessary alterations as to names, offices, and the like, but may not perhaps authorise any suitable modifications as may be found necessary in giving effect to the above intention. It is for us to look for consideration whether the words "with such modifications, if any, as it deems fit" occurring in the original draft may not be retained in preference to "mutatis

General and Revenue Secretariat.

Legs File No. 37 of 1917.

Serial No.

Mubarao in order to give power to Govt. and reference is also invited to the opinion of the Govt. Advocate one p. 19 of the notes in subsidiary file 282-17

Subd for orders

II-Member

P. Mahadeva 20/8

79 P. 40) Hon Govt Secretary will please see me a discuss this question in person

Hon Hamilton 20/8

General and Revenue Secretariat.

Leeps File No. 37 of 191

Serial No.

41) Subd on contra.

36) In this connection favour of reference is invited to the following observations of Sir Courtney Ilbert with respect to subordinate legislation

"The increasing complexity of modern administration and the increasing difficulty of passing complicated measures through the ordeal of parliamentary discussion has led to an increase in the practice of delegating legislative powers to executive authorities

Legislative Method to
Terms p 37

(a) At the present time it seems to be the settled policy of the Legislature to confine its efforts to the task of laying down general principles of law, and to delegate to subordinate authorities the powers of making rules and orders for the purpose of settling the details of the procedure necessary for giving effect to the general principles

(b) Statute Law by Craies

Hence, it seems to be necessary to leave many matters to be regulated

General and Revenue Secretariat. | Leg. File No. 87 of 1917

Serial No.

by rules or by executive discretion. This is, of course, subject to the usual condition that rules made in pursuance of a Statutory power must not go beyond, nor be repugnant to the enactment under which they are made or to the general principles of law

Maxwell's Interpretation of Statutes p. 481.

(2) Rule refers is also invested to the following for example. Acts, in which wide powers are given to the executive Govt.

Govt of India Act II of 1914
" " VII "
" " IX "
" " XII 1915 (S. 12)

Mysore Municipal Regn, VII of 1906 (S. 17

Legislative Council Regn, IX of 1917 (S. 6)

P[illegible] D. W.

17
38

G. R. S. III-2]

1797

General and Revenue Secretariat.

Legs File No. 37 of. 1917

Serial No.

Among the subordinate powers which cannot be withheld by the Mean Legislature there is the undoubted legislative power to repeal any Act. I do not think that such a power can when the Legislature which means that they can make any law they please repealing the Military Law which means the Imperial Service Corps in the present case. I would like to see the words 'Mutatis Mutandis' instead of such Modifications. Draft may be put up accordingly.

Sd/-

5/9

1790/1917

G. R. S. III-4]

General and Revenue Secretariat.

Legs File No. 37 of 1917

18

Serial No.

D. S. N as submitted

P. Malabar

C.S. Nair

DEWAN'S OFFICE.
Recd. on SEP 15 1919
Reg. No. 1873

If the Rajah's letter be accepted the Tellicherry case as in Mr. Hargreaves letter No 1634 of 8th Aug. 18, the Laccadive case as stated in Sec 2, & the C.P.C does not include Tellicherry and consequently the Secretariat has to be consulted so as to include this with also the H. Court may be written to, I should not, if so when the intention is Tellicherry to the

G. R. S. III-2]

General and Revenue Secretariat.

Legl File No. 37 of 1917.

Serial No. 4

Do

The Kurgan Secy to H. H. Camp D. No 166 Dy 3-10-19

Regrets information if Gullo Force is intended to be brought under the operation of the Emily Regn

From

The Kurgan Secy

No 427 Dy 8-10-19

States that "Gullo Force may also be brought under the operation of the Emily Regn and that S. 2, 4(A) of the Code of Cimil Procedure may be amended accordingly

56 Submd for o'ers.

Sd/ 57/93) may perhaps be submd to Minister

11/10/19 Dy

D. Mahadeva Iyer 12/10

11/10

56/94) To Bengal - Revise may kindly be submitted

Dewan C.S. Balasundaram Ayyar 18/10

59/95) To Legislative Dept 18/10

27.10.19

96/60) Please put up revised Draft

1325

G. R. S. III-2j

General and Revenue Secretariat. | Judl File No. 37 of 1917.

Serial No.

Subd

~~47~~ In view of the Hon'ble Secy's letter dt 8-10-1919 ~~Dtd~~ clause 10, A of section 2 of the Criml Procedure Code has to be amended before the ~~proposed~~ Criml Law Regn amendment Bill can be promulgated into law

62) If approved ~~Orders are solicited~~ a separate file will be opened and a draft bill amending s. 2(A) of Cr. P. C. & a statement of objects & Reasons will be submitted

Subd for orders.

30/10/19 Hon 30/10

63) Yes Please do so at once I suggested Hon'ble Resident has to be addressed again — The sanction of the Govt of India obtained

P Mahadevaiyer 30/10

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

11866.

The Palace,

Mysore.

10th January 1920.

Dear Sir,

With reference to my D.O.letter No.427 dated 8th October 1919 on the subject of extending the provisions of the Mysore Military Regulation to the Palace Troops, I am directed to request you to kindly let me know how the matter stands at present.

Yours sincerely,

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary
to the Government of Mysore,
Bangalore.

G.R.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd. with a draft D o
Reply

SC
13-1-20
Chief Secy
13/1

D. M.
13/1

Chief Secy
Please issue
re-submit to-morrow
D M
13/1

Issued S. 15769 dt 13-1-20

Resubd as per orders.

SC
15-1-20
ASL
15/1

Subd with a draft d-o
to the Asst Secy to H.H. as per
oral instructions

ASL
16/1

Subd for appl
Chief Secy

D

G. R. S. III-2]

General and Revenue Secretariat.

Legislative File No. 37 of 1917.

Serial No.	
	the ~~Indian Registration~~ amendment of section 4 will be considered so as not to involve an amendment of the C. P. Code

General and Revenue Secretariat.

Legs File No. 37 of 1917.

Serial No.

~~Mr~~ include Police Forces ~~to~~ which body also ~~the~~ proposed amendment ~~of~~ Clause (4) is intended to extend. It was ~~at~~ first thought necessary to amend ~~the~~ Cl. (4A) of S. 2 of C P code so as to include also Civil Forces ~~and~~ Since it will mean dealing ~~with~~ Cl. (4) an amending rule has been ordered to be suitably altered The words "~~Police Force~~ of the Palace" has accordingly been added to the clause

Submd - for orders

EC
19-1-20.

Approved
20/1/20

General and Revenue Secretariat.

Legs File No. 37 of 1917.

Serial No.

1) Since the amendment of S. 2, Cl. 14 of the Civil P. C. is likely to involve some delay, and alternative amendments of para 93 of the Mulki Regns without any amend. of the Civil P. C. is put up for consi. the Statement of O. & Rs. is suitable revised

2) The Bill is excluded from the purview of the Regns by virtue of S. 12 of the Mysore Laws Regn. If the amendment now suggested is approved, the draft letter to the Residency will be suitably revised & submitted

Submitted for orders

D. M. 2/11

Legs Secy

3) It seems to me that the draft now proposed, which is self contained is preferable to the former one, & no amendment of the Civil Procedure Code is involved.

4) If this is approved further action may be taken.

R. S. III-2]

General and Revenue Secretariat.

Legs File No. 1325 37 of 1917

Serial No.

intended for a different purpose.
The amendment may be taken up separately. The Dispy. amending the Military Regulations is appended

5/2

73) Please take further action as suggested. Also put up a D.O. letter to the A.S.&H.H. as promised in the reply sent to him.

D. Mail
6/2

Submitted

The draft sent with the draft to the Resy are suitably altered (Draft Dr. D to P.S.S. Secy to H.H. is also put up)

75 Dr is a point for orders whether the letter to the Resy has to may be issued before submission of the papers to H.H.

Submd. for orders

86 No letter to the Residency
6/2 may perhaps be issued after the
7/2

G. R. S. III-2]

C. 460 / 1925

27

General and Revenue Secretariat.

File No. 37 of 191

Serial No.

DEWAN'S OFFICE.
Recd. on FEB 10 1920
Reg. No. 5456

receipt of H. H.'s orders.
Send with revised D. F. No., Draft letter to the Residency, Draft D.O. to the A. S. to H. H. P.

P. Mahadevan 9/2

Chief Secy
(Issue D.O. to the Thambichetty)

To be issued to-day
D. M. 9/2

Issued.
No. C/18256
9.2.20

77) The draft bill may be dealt with by circulation

C. S. Balasundaram
Dewan
9/2/20

78) Yes
Seshagiriraja
D. M. 9/2

C. S. Balasundaram
Dewan
11.2.20

D. M. 12/2

Circulated.

C. S. Balasundaram
Dewan
16/2/20

60) I agree
Peel
24.2.20

Complete

61) To Asst. Secy. Polit. Branch for submitting to file of the 3rd Member with a D. F. N.

G. . . S. III-2.

1325

General and Revenue Secretariat.

Legs File No. 37 of 1917

Serial No.

Subd

43) The D. 7 n already put up has been suitably altered after approval & ty it would be put up typed & put up

S.y

27/2 A.S.R

44) Memo put up typed to-day

D. M. 6/3

45) Typed copy is subd

6/3

46) Submitted with D. 7. n.

P Mahta D. M. 8/3

III Member

Final Note signed by the Member is put up

Final Note by the Third Member of Council.

Subject:—

Promulgation as law of the Bill further to amend the Mysore Military Regulation, 1899.

1. His Highness' gracious sanction was accorded on 11th March 1919 for the draft Bill being forwarded to the Residency for the purpose of obtaining the assent of theGovernment of India thereto.

2. The Bill, with the statement of objects and reasons, having accordingly been sent to the Residency, the Residency while communicating the sanction of the Government of India to the Bill, have at the instance of that Government pointed out that the statement in paragraph 3 of the statement of objects and reasons is misleading about the effect of the repeal of section 15 of the Indian Army Act, for reasons explained. The statement of objects and reasons has now been suitably revised.

3. The Extraordinary Member of Council has since observed that the term "Local Service Troops" in clause 4 of the draft Bill might give room to the wrong impression that the troops are intended only for local purposes and not for service abroad, and suggested, in order to avoid such an impression and prevent the men from advancing this as the reason for not going abroad when required, that the words "Mysore Military Forces other than the Mysore Imperial Service Troops' ght be substituted for the words "the Local Service Troops and the Palace Troops," the definition of the "Mysore Military Force" as contained in Section 2(13A) of the Civil Procedure Code being adopted for this purpose. But the term "Palace Troops" as defined in

Section 2(14A) of the Civil Procedure Code does not include Force" which is also intended to be brought under the operati the Military Regulation. At first it was proposed to suitab tion 2 (14 A) of the Civil Procedure Code so as to include Force. With a view, however, to avoid the delay involved i procedure, clause 4 of the Bill has been suitably revised so may be self-contained. It is also considered that the power apply the rules "with such modifications as it (Government) deems fit" is unnecessary and that the power to apply the rules mutatis mutandis is sufficient.

The revised Bill has been agreed to by the other Member

5. The alterations being merely verbal and not materially affec ing the amending Bill as originally framed, it is considered unnecessary to obtain the assent of the Government of India to the ration made. The Residency will, however, be informed of this alteration as well as that made in the statement of objects and reasons and told that the Bill as this altered will be passed into law.

6. The gracious sanction of His Highness is solicited for promulgating the Bill into law.

MEMBER OF COUNCIL.

9 - 3 - 20

Submitted to His Highness.

93) *I submit herewith a Final Note by the*....Third..... *Member of Council on the subject of*...promulgation.... as..law..of...the..Bill...further...to..amend...the..Mysore..... Military..Regulation,...1899.,.....r..... *for His Highness' gracious approval.*

10th March 1920

Dewan.

460

32

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation as law of the Bill further to amend the Mysore Military Regulation of 1899.

R. S. III-2]

C. 460

General and Revenue Secretariat. | Misc. File No. of 19 .

Serial No.	

G. R. S. 111-2]

General and Revenue Secretariat.

Legis File No. 37 of 1917

13/15 34

Serial No.	
95	Subd for clause 4 of the draft to the Resy may issue After issue the ~~the~~ order promulgating the Bill into law will be issued Draft order is also put up
96	In ~~the para~~ clause 4 of the Bill it is for orders if the word "including" or the word "comprising" is to be retained

86

2/3

Mar 3

R. S. III-2]

1325 35-

General and Revenue Secretariat. | Legis File No. 3 of 1917

Serial No.	
	Statement of OR has been suitably revised & adds that the Bill as slightly revised altered will be promulgated into law very early
	101/20) Submitted for orders to the ~~notification~~ order promulgating the Bill into law may issue
	8/4/20 101/20. Please draw up a draft. P. Malvadi 8/4
8	To The Compiler, Mysore Gazette No. G. 23265 dt 9th April 1920. Forwards a copy of Regulation further to amend the Mysore Military Regn., 1899 for publication in Mysore Gazette as Regn. Regulation I of 1920

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Leg
File No. 37
Serial No.

GENERAL AND REVENUE SECRETARIAT,
( )
the *191* .

No. Pol. 5849 2-4-19

e of issue 2. 4. 19

ned by C. S. Balasundram Iyer Esq

To

The J. A. Resident in Mysore

Sir

I am directed to forward herewith two copies of a Bill [illegible] to amend the Mysore Military Regulation, 1899. The statement of Objects and reasons explains the scope and object of the Bill

As the measure falls under the proviso to section 12 of the Mysore Legislative Council Regulation, 1907 the Bill will not be placed before

over.

the Legislative Council

Sanction of the Govt of
India may kindly be obtained for
passing the Bill into Law

Thanks

Chief Secy to Govt

DM
29/3

AD
29/3

A Bill further to amend the Mysore Military Regulation, 1899, (as amended by Regulation VIII of 1918)

Whereas it is expedient further to amend the Mysore Military Regulation, 1899, His Highness the Maharaja is pleased to enact as follows:-

1. The following new clause shall be added to paragraph 2 of the said Regulation after clause (~~48~~ 46)

" 2(47) Fraudulent enrolment.

A soldier or # follower is guilty of this offence when without having first obtained a regular discharge from the Corps or Unit to which he belongs, he enrols himself in the same or any other Corps or Unit".

2. For paragraph 62 of the said Regulation, the following new paragraph shall be substituted:-

" 62. Whenever any person is sentenced under this Regulation to Imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the court.

" Provided that where a sentence of imprisonment is ~~avoided~~ awarded by a Court-martial to an offender already under # sentence of imprisonment for a limited (t the court may direct by its award tha the imprisonment shall commence on t expiration of such previous sentence

notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence".

3. In paragraph 69 of the said Regulation, for the words "and will involve dismissal" there shall be substituted the words " and will not of itself involve dismissal".

4. For paragraph 93 of the said Regulation, the following shall be substituted, namely:-

" The Government may by an executive order apply the whole or any part of the foregoing rules, with such modifications, if any, as it deems fit, to the Local Service Troops and to the Palace Troops".

.Statement of Objects and Reasons.

---

1. " Fraudulent Enlistment" as defined in the Indian Army Act, Section 30(c), does not come under any of the definitions enumerated in the Mysore Military Regulation, 1899. It is therefore proposed to add a definition of the offence to paragraph 2 of the Regulation.

2. With a view to obviate fraudulent enlistment and enable steps being taken thereunder to punish persons committing such offences, the Mysore Military Regulation, 1899, is proposed to be suitably amended.

3. Paragraph 62 of the Mysore Military Regulation, ~~while~~ directing that whenever a sentence of imprisonment is awarded by a Court-Martial to an offender already under sentence of imprisonment for a limited term, the Court may award imprisonment to commence on the expiration of such previous sentence, but is silent as to when such second sentence should be taken to commence if the court makes no such order.

It is ~~therefore~~ considered desirable to amend paragraph 62 of the Regulation so as to provide that all sentences of imprisonment awarded by a Court-Martial shall commence on the day on which the original proceedings were signed by the court, provided that the Court while awarding the sentence may direct that it shall commence after the expiry of a previ

previous sentence already awarded to the prisoner ~~The Bill has accordingly been prepared.~~

3. Paragraph 69 as it stands entails dismissal from service as a necesssry consequence of a sentence of imprisonment with hard labour for more than 3 months. The Inspecting officer of the Imperial Service Troops has brought to notice that Section 15 of the Indian Army Act has been repealed and that it has been notified that ~~prisoners sentenced to rigorous imprisonment for a term of over three months are no longer to be dismissed.~~ The proposed amendment to paragraph 69 is intended to bring it into line with the above change.

4 It has been found necessary to extend certain provisions of the Mysore Military Regulation to Palace Troops, ~~in exercise of the power given~~. But paragraph 93, under which alone this can be done, refers only to "Local Service Troops", and it is doubtful whether ~~that~~ this expression can be taken to include Palace Troops. ~~seeing that~~ The two classes are separately mentioned in the definition of "Mysore Military Forces" given in Section 2 (13 A) of the Civil Procedure Code, 1911. The amendment now proposed is intended to bring the Palace Troops also within the purview of paragraph 93 of the Military Regulation, and further to reserve power to Government to make such modifications, if any

Rs 1645-0

No. 4494 R.C.

FROM

C.I.C. Plowden,
(MAJOR E.H.S. JAMES, I.A.
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore.

Dated Bangalore, 9th June 1919

SIR,

I am directed to acknowledge the receipt of your letter No. 984, dated the 2nd April 1919, forwarding a Bill further to amend the Mysore Military Regulation, II of 1899

2. In reply, I am to say that the Governor-General in Council has been pleased to accord his consent to the Bill, on the understanding that he retains over it the power and authority which vest in him by virtue of Article 16 of the Treaty, dated the 26th November 1913.

I have the honour to be,
Sir,
Your most obedient servant.,

FROM

C.T.C. PLOWDEN,
MAJOR ~~EXH.S.XJAMES~~, I.A.
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 17th July 1919.

SIR,

I am directed to refer to my letter No. 4494, dated the 9th June 1919, communicating the consent of the Governor-General in Council to the Bill further to amend the Mysore Military Regulation, II of 1899.

2. At the instance of the Government of India, I am to state that attention has been drawn to the fact that paragraph of the "Statement of Objects and Reasons" which accompanied the Bill, mentions that "section 15 of the Indian Army Act has been repealed and that it has been notified that prisoners sentenced to rigorous imprisonment for a term of over three months are no longer to be dismissed." This statement is misleading, as it might be understood to mean that a sentence of dismissal may not be combined with a sentence of transportation or rigorous impr

Copy enclosed) June 1918, paragraph 6. That dismissal is also permissible is explained in paragraphs 7 and 8 of the India Army Order.

I have the honour to be,

Sir,

Your most obedient servant,

J H Exton

For First Assistant Resident.

Extract (paragraphs 6, 7 and 8) from India Army Order by His Excellency the Commander-in-Chief in India No. 20-S dated Simla the 29th June 1918.

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Dismissal and Discharge.

6. Section 15, Indian Army Act, having been repealed a sentence of transportation or of rigorous imprisonment exceeding three months does not of itself entail the dismissal by the commanding officer of the person sentenced. Such dismissals (ie by order of the Commanding Officer) will from the 1st August 1918 inclusive be illegal.. From that date also the Indian Army (Suspension of Sentence) Act will be inoperative as regards suspension of dismissal for there will not be any consequential dismissals to suspend and a specific award of dismissal is not, at any rate, at present, capable of suspension. That Act as at present in force will, of course, still apply to sentences of transportation or imprisonment. Its amendment is under consideration. Mention of dismissal from the service, printed minutes III and VIII and the two unnumbered printed minutes on page 4 of the form must all be struck out of India Army Forms D-921 as now printed when used on or after the 1st August 1918. Consequential dismissals previous to that date which were not carried out owing to sentences having been suspended cannot be carried out after that date. If dismissal is necessary it must be effected as explained below. A revised pamphlet explanatory of the Indian Army (Suspension of Sentences) Act and a revised Indian Army Form D-921 will be issued as soon as possible when that Act has been amended.

7. If the dismissal of a convict or prisoner not specifically sentenced to dismissal is desired application for the dismissal must be made to one of the authorities mentioned in sections 13 or 14 of Act. Except in the case of an Indian officer the authority will usually be the Officer Commanding the

Brigade

Brigade or Division. Regulations will be inserted in Army Regulations, India, Volume II, dealing with this matter. In default of specific regulations applying to any particular case Commanding Officers will use their discretion in applying for the dismissal and the higher authorities will use their discretion in ordering it. Such a dismissal should not be applied for or at any rate should not be put into effect, until the convict or prisoner sentenced by Court Martial has beem committed to a Civil prison. In the case of a sentence passed by a civil court the application should, if the dismissal is desired, be made as soon as possible after the sentence passed by the Civil Court has become absolute either by an appeal not being preferred within the time allowed by law or by the appeal being disallowed. Persons sentenced to transportation will always, if the sentence stands, be dismissed. Persons sentenced to rigorous imprisonment for a period exceeding three months need not on that account only be dismissed. The officer commanding the forces in the field can also (vide amendment of section 107) establish military prisons in the field where sentences of rigorous imprisonment of any length may (not must) be undergone; therefore a sepoy sentenced by Court Martial on active service to rigorous imprisonment for, say, 6 months, can be made to undergo that sentence in Military custody and be then sent back to duty instead of being committed to a civil prison and dismissed as heretofore.

8. A Court Martial can, of course, always add a specific sentence of dismissal to a sentence of transportation or of rigorous imprisonment.

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COPY

REGISTRAR

Resident's Office.

I.S

Dear Sir,

Adverting to your D.O. No.1639 dated 8th February 1918 addressed to Mr. Hiriyannaiyya suggesting the desriability of extending the provisions of the Mysore Military Regulation to the Palace Barr, His Highness's Body Guard and the 'Jillo Force so as to have some hold on the men of those forces, I am desired to state that with a view to give effect to the above suggestion, a draft Bill amending paragraph 93 of the Regulation was prepared and was duly approved by His Highness on the 11th March 1919.

On the suggestion of His Highness the Extraordinary Member, the wording of the bill has since been altered, adopting the definition of 'Mysore Military Forces' given in Section 2, clause 13(A) of the Civil Procedure Code, 1911. But the term "Palace Troops" as defined in Sec 2, Clause (14A) of the Civil Procedure Code, does not include the Jillo Force. I am therefore to request you to be so good as to intimate if it is still the intention to bring the 'Jillo Force' under the operation of the Mysore Military Regulation.

Yours sincerely

To

Mirza M. Ismail, Esq., B.A.,
Huzur Secretary to His Highness
the Maharaja of Mysore.

GOVERNMENT OF MYSORE

D.O. No. 427

The Palace,
Mysore.

8th October 1919.

Dear Sir,

In reply to your D.O.No.166/Legis.37-17-8, dated the 3rd October 1919, to the address of Mr. Mirza M. Ismail, I am directed to inform you that the Palace "Zillo Force" may also be brought under the operation of the Mysore Military Regulation and that Clause 14 (A) of Section 2, of the Civil Procedure Code of 1911 might be amended so as to include the "Zillo Forces" also in the definition of "Palace Troops".

Yours sincerely,

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Govt. of Mysore,
Camp - Mysore.

G. R. S. V1—G/32]

SUBJECT.....

.....

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Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue 13/1

Signed by [illegible]

Section

File No.

Serial No.

No. G/15969

To

Dear Sir

In reply to your d.o. letter no. 884 ~~dated~~ of the 10th instant regarding the amendment of the Supreme Military Regulation so as to make it applicable to the Palace Troops including the Life Forces I am to say that the matter has been looked to the question of amending the Civil Procedure Code Since Sec 2 Cl 14(A) ~~of~~ which thereof does not include the Life

over.

Forces. I am examining the whole file and shall write to you again in the matter on Friday next

Yours Sincerely

13/1

7. Thumbu Chetty Esq BA.

Asst Secy to H.H. the Maharaja

AR
13/1

Legs 37-17-6 52

Dear Sir

In continuation of my d.o letter no Cy/15969 of the 13th instant regarding the amendment of the Mysore Military Regulation, I write to say that in view of the Legislative delay involved in amending Sec 14A of the Civil Procedure Code in the first instance so as to include the 'Jello Zone', alternative proposals are being made to incorporate the necessary definition in the Military Regulation itself. The file on the subject will be placed before the Member in charge shortly, and I shall communicate with you again in the matter later on.

Yours sincerely

T. Thumbu Chetty Esq B.A
Asst Secy to H.H the Maharaja

Cy 16254
Cy 16/1

This amendment of ~~the~~ S.2 Cl 14A of the Civ: P.C is likely to involve some delay as the amending Bill has to pass through all the stages in the Legv: Cl: & the ~~the~~ assent of the Govt of India has also to be obtained. With a view to avoid this delay I am now examining the file to consider the feasibility of ~~framing~~ suggesting an alternative amendment of the Military Regn without involving an amendment of the Civ P.C. The matter will be placed before the Member in charge in a few days & I shall write to you again about it later on

Yrs truly,

D.M. 16/1

16/1

R. S. VI—G/32]

SUBJECT.....

.....

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Diary No. of letter replied to.....

Section Legs

File No. 37-17

Serial No. [illegible]

GENERAL AND REVENUE SECRETARIAT,

( )

, *the* *191* .

D O

No. G 18256.

Date of issue 9. 2. 20.

Signed by Dr. C.S.B

To

Dear Sir

In continuation of my d. o. letter no G 16254 – Legs 37-17-G/6-1-20 regarding the amendment of the Mysore Mily Regn., I write to say that the Second Member has approved of the ~~the~~ the alternative draft ~~of the~~ amendment of paragraph 93 of the

Milly Regn. which does
not involve an amendment
of the C P Code further
action ~~back~~ is being ~~actually~~ ~~of~~
taken for promulgating
the Bill into Law

Yours sincerely,

D 9/2

T Shanmukhasundaram Esq., B.A
Asst Secy to the Maharaja,

Legs. 37-7-7 55

To

The First Assistant to the Hon'ble
the Resident in Mysore.

Sir,

With reference to your letters Nos. 4494 and 5624 dated 9th June 1919 and 17th July 1919 respectively, communicating the assent of the Government of India to the Bill further to amend the Mysore Military Regulation, 1899, and pointing out a misleading statement about the effect of the repeal of Section 15 of the Indian Army Act appearing in paragraph 3 of the statement of objects and reasons accompanying the Bill, I am directed to state that the statement has since been suitably revised.

As it was once considered that the term "Local Service Troops" occurring in clause 4 of the amending Bill might give room to the wrong impression that the troops are intended only for local purposes and not for service abroad, those words have been eliminated and the clause suitably revised so as to bring the Palace Troops adopting for this purpose the definition of the "Mysore Military Forces" given in section 2 (13A) of the Mysore Civil Procedure Code, Regulation VI of 1911. It is further considered that it is sufficient to have the power to apply the rules 'Mutafis Mutandis' and these words are accordingly substituted for 'with such modifications as it (Government) deems fit.' A copy of the Bill with the statement

statement of objects and reasons as revi
is enclosed.

I am to add that as the alterati
made in the Bill are only verbal and do n
materially affect it, the Bill will be
promulgated into law very early.

DRAFT.

UBJECT.....

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Section. Law
File No. 37-
Serial No. 8

Proceedings of the Government of
H. H. the Maharaja of Mysore

Law Compiler
Order No. G 23265. 89-4

Ordered that the accompanying.....Regn
.....further to amend the
.....Military Regulation, 18
which received the assent of His High-
ness the Maharaja, on the.....12 Th.....
day of.....March.....1920
be published as Regulation No.....
of 1920, in the *Mysore Gazette* for gene-
ral information.

P. M. 9/4

Joint Secretary to Government.

iary No. of letter replied to.....

ENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191*

ate of issue.....9/4/20.....

igned by.....Mr P M. Jaya.....

ay this be—

i) Printed?

i) Treated as a standing order?

i) Published in the "Gazette" English part?

v) Translated?

v) Placed at the disposal of the Press?

i) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....100.....spare copies in English, and .....25.....spare copies in Kannada to this office, and.....200.....spare copies in English and.....100.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. ~~Proofs should be sent to this office for approval before publication.~~

REGULATION I OF 1920

A Regulation further to amend the Mysore Military Regulation, 1899 (as amended by Regulation VIII of 1918).

(Received the assent of His Highness the Maharaja on the 12th day of March 1920.)

Whereas it is expedient further to amend the Mysore Military Regulation, 1899, His Highness the Maharaja is pleased to enact as follows:—

Addition of a new clause (47) to paragraph 2.

1. The following new clause shall be added to paragraph 2 of the said Regulation after clause (46)—

"2 (47) Fraudulent enrolment.

A soldier or follower is guilty of this offence when without having first obtained a regular discharge from the Corps or Unit to which he belongs, he enrols himself in the same or any other Corps or Unit."

Amendment of paragraph 62 of the Regulation.

2. For paragraph 62 of the said Regulation, the following new paragraph shall be substituted:—

"62. Whenever any person is sentenced under this Regulation to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the Court.

"Provided that where a sentence of imprisonment is awarded by a Court-martial to an offender already under sentence of imprisonment for a limited term, the Court may direct by its award that the imprisonment shall commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence."

Amendment of paragraph 69.

3. In paragraph 69 of the said Regulation, for the words "and will involve dismissal" there shall be substituted the words "and will not of themselves involve dismissal."

Amendment of paragraph 93.

4. For paragraph 93 of the said Regulation, the following shall be substituted, namely:—

"The Government may by an executive order apply the whole or any part of the foregoing rules, *mutatis mutandis*, to the Mysore Infantry, the Mysore Horse and to the Palace Troops, including the Body Guard (Cavalry), the Barr Battalion (Infantry), the Golundauz (Artillery), the Zillo Forces and the English band attached to the Palace of His Highness the Maharaja of Mysore."

M. KANTARAJ URS,
Dewan of Mysore.